

ES-96  
10/090,951  
Amdt. dated August 6 , 2004  
Reply to Office action of July 9, 2004

### **REMARKS/ARGUMENTS**

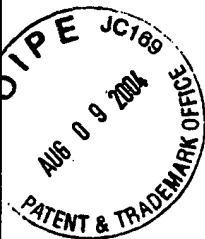
Applicant has carefully reviewed the Examiner's communication mailed July 9, 23, 2004.

The Examiner has objected to the Amendment A document as being non-compliant. The Examiner objection is that the amended paragraphs in the specification do not include markings. Applicant has amended the specification to provide for markings in the new title "A Silica Filled Polymeric Separator Containing Efficiency Improving Additives" and to identify the serial number 09/774,453 as United States Patent 6,511,775.

The Examiner had provisionally rejected Claims 1-32 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-32 of copending applications 10/090,930 in view of Paik et. al. (6,242,127). Applicant filed a terminal disclaimer in Amendmentt A to overcome this rejection.

In conclusion Applicant requests the Examiner to withdraw the objection to the in view of the present amendments to the specification and the rejection under obviousness-type double patenting in view of the previous filing of a terminal disclaimer. In conclusion Applicant submits that the present claims are allowable and respectfully requests the Examiner to forward this application to issuance at an early date.

Should any matters remain unresolved, the Examiner is requested to call (collect) Applicant's attorney at the numbers given below.



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Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 29231 on or before August 6, 2004.

Dated this 6th day of August

Thomas J. Clough, Attorney